

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESE DAVID CARILLO CASILLAS,

Defendant.

No. 4:15-CR-6049-EFS-2

ORDER GRANTING THE UNITED
STATES' MOTION FOR
DETENTION

ECF No. 22

On Friday, August 19, 2016, the Court conducted a bail hearing in accordance with 18 U.S.C. § 3142(f). Defendant appeared, in custody, with attorney Robin Emmans, and was assisted by federal court-certified interpreter Estela Castro. Assistant United States Attorney Alvin Guzman represented the United States.

The United States' Motion for Detention (**ECF No. 22**) is **GRANTED**.

The Court considered the Pretrial Services Report (ECF No. 27) and the counsels' arguments. To decide whether conditions of release would reasonably assure the Defendant's appearance in court and the safety of the community, the

1 Court considered and evaluated the four factors outlined in 18 U.S.C. § 3142(g):

- 2 1. The nature and circumstances of the offense;
- 3 2. The weight of the evidence against the Defendant;
- 4 3. The history and characteristics of the Defendant; and
- 5 4. The nature and seriousness of the danger the Defendant would present to the
- 6 community if released.

7 The Court finds the following:

8 **FINDINGS OF FACT AND**

9 **STATEMENT OF REASONS FOR DETENTION**

10 ☒ Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that the
11 Defendant is a flight risk and a danger to the community based on the nature of the
12 pending charge. Application of the presumption is appropriate in this case.
13 Defendant has not rebutted the presumption that no condition or combination of
14 conditions will reasonably assure the safety of another person or the community
15 and/or no condition or combination of conditions will reasonably assure the
16 appearance of the Defendant as required.

17 ☐ This is not a rebuttable presumption case; however, the case is eligible for a
18 detention hearing under 18 U.S.C. § 3142(f)(2). There is a serious risk that the
19 Defendant: will not appear and/or endanger the safety of another person or the
20

1 community.

2 ☐ Defendant has a history of: ☐ Failures to appear

3 ☐ Failures to comply

4 ☐ The Court finds the Defendant is not supervisable.

5 ☐ Defendant appears to suffer from chemical dependency.

6 ☐ Defendant has a significant criminal history.

7 ☐ Defendant has an outstanding warrant(s).

8 ☐ Defendant was under supervision at the time of her arrest/the instant alleged
9 offense.

10 ☒ Defendant does not have a suitable residence.

11 ☒ The Grand Jury has found probable cause.

12 ☐ Defendant is currently on probation/supervision resulting from a prior
13 offense.

14 ☐ The Bureau of Immigration and Customs Enforcement has issued a Detainer.

15 ☒ Other: The nature and circumstances of the offense are incredibly serious.

1 The indictment alleges a long-term conspiracy (2010-2015) to distribute
2 methamphetamine and cocaine. The most recent allegations are that the
3 Defendant was involved in the distribution of 12 kilograms of heroin, which
4 resulted in a search warrant being executed at his home where two firearms
5 were found. The Defendant has substantial ties to a foreign country;
6 Defendant is a Mexican citizen, he lived in Mexico for much of his life, his
7 four siblings and parents with whom he maintains regular contact with all
8 live in Mexico. This gives the Court concern that the Defendant poses a
9 serious risk of flight. Compounding the Court's concern is Defendant's
10 proposed release address, which is the same address where law enforcement
11 allegedly found two firearms and where law enforcement alleges the drug
12 activity took place. The Court finds the release address unsuitable.

13 ☐ By a preponderance of the evidence there are no conditions or combination
14 of conditions other than detention that will reasonably assure the appearance
15 of Defendant as required.

16 ☐ By clear and convincing evidence there are no conditions or combination of
17 conditions other than detention that will ensure the safety of the community.

18
19 **IT IS ORDERED:**

20 1. The United States' Motion for Detention (**ECF No. 22**) is

1 **GRANTED.**

2 2. Defendant shall be committed to the custody of the Attorney General
3 for confinement in a corrections facility separate, to the extent practicable, from
4 persons awaiting or serving sentences or being held in custody pending appeal.

5 3. Defendant shall be committed to the custody of the Attorney General
6 pending disposition of this case or until further order of the court. If a party desires
7 this Court to reconsider conditions of release because of material and newly
8 discovered circumstances under 18 U.S.C. § 3142(f), that party shall file a motion
9 with the court, served upon the United States Attorney, stating what circumstances
10 are new, how they are established, and the requested change in conditions of
11 release.

12 4. Defendant shall be afforded reasonable opportunity for private
13 consultation with counsel.

14 5. On order of a court of the United States or on request of an attorney
15 for the United States, the person in charge of the corrections facility in which the
16 Defendant is confined shall deliver the Defendant to a United States Marshal for
17 the purpose of an appearance in connection with a court proceeding.

18 6. If a party seeks review of this Order by another court pursuant to 18
19 U.S.C. § 3145(b), counsel shall adhere to the Detention Order Review Protocol
20 found in L.Cr.R. 46(k).

1 7. The Defendant is bound over to Judge Edward F. Shea for further
2 proceedings.

3 DATED August 19, 2016.

4 s/Mary K. Dimke

 MARY K. DIMKE

 UNITED STATES MAGISTRATE JUDGE